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THE
E F F E C T S

TO BE EXPECTED FROM THE
EAST INDIA BILL,
UPON THE
CONSTITUTION
OF
GREAT BRITAIN,
IF PASSED INTO A
L A W.
BY

WILLIAM PULTENEY, ESQ.

FIFTH EDITION, CORRECTED.

TO WHICH IS ADDED A
P O S T S C R I P T.

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*The Substance of what is contained
in the following Pages, was intended
to have been delivered in Parliament,
if other Gentlemen, better entitled to
be heard, had not been first in the Eye
of the Speaker, when I several times
offered myself for that purpose; but I
think it a Public Duty, to declare my
Opinion on a matter so deeply interest-
ing to the State.*

E F F E C T S

TO BE EXPECTED FROM THE

E A S T I N D I A B I L L.

ON the Question which has so much occupied the Attention of the Public, concerning the East India Bill, Gentlemen of known integrity and love for their Country, have taken different sides; and therefore, the Question must either be doubtful in itself, or the true grounds

of it have not hitherto been clearly explained. This last I take to be in some degree the fact; and as it is allowed on all hands to be a business of great magnitude, I have little doubt that every one who wishes to act an honourable part, will willingly listen to any thing which is fairly offered, with a view to throw light upon the matter.

The arguments drawn from Violation of Charters are such, as undoubtedly admit of different opinions: One set of men may fairly, perhaps, think, that there is a sufficient degree of Necessity in this case, to
 justify

justify so strong an interference of Parliament, both on account of the State of the Company's Affairs, and on account of the Misconduct of the Company's Servants in India; and also, because the great stake which the Nation has in these Concerns, demands a strong and effectual remedy; whilst others may as fairly think, that the Necessity is not in this case sufficiently urgent: That the Company's Affairs are in no desperate condition; that their temporary distress has arisen from the general calamity of the National War; that the Misconduct of their Servants abroad, has been exaggerated, whether from design, or
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enthusiasm, is immaterial: That by no possible means, can such distant Dominions enjoy a perfect system of Government; and that by proper Parliamentary Regulations, they may enjoy as considerable a degree of happiness and prosperity, under the Old System a little corrected, as they are likely to enjoy under the New; which will most probably send out a great number of new hungry Persons, with much the same sort of principles with those who have hitherto visited that unfortunate country; and that at any rate, it has not been the Trading Concerns of the Company, which have produced malversations

malversations in India, but their Power and Authority over the Natives; which it is ridiculous to say, cannot instantly be put into other hands, leaving the Trade upon the same footing as before any Territorial Power was acquired.

Upon these points, the most upright men may certainly differ in opinion; but there is another question, of much greater magnitude, upon which I am apt to think they could not differ, if the argument were fully stated and rightly understood; I mean, with regard to the Effects of the present Bill upon the Constitution of this Country.

It

It has been said on this head, that the New Arrangement will increase the Influence of the Crown; which has been explained in this manner— That it will increase the Power of the present Ministers, during the four years that this Act is to be in force; and that if the Nomination is afterwards given to the Crown, it will increase in a very enormous degree the Influence of the Crown itself.

It has also been said, that it will diminish the Influence of the Crown; because the present Nomination being made by his Majesty's present Ministers, and the New Directors being irremovable

able by the Crown for four years, it will throw such a weight of power into the hands of the present Ministers, independent of the Crown, that they too will be irremovable by his Majesty ; and if the New Parliament, which must be chosen before the four years expire, shall make a similar New Nomination for the same, or a longer term, instead of permitting the Crown to name, the present Ministers will become independent of the Crown for a new period, which may be renewed again and again, without any limitation of time.

to diminish the influence of
the Crown, and because it may throw
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In this mode of viewing the Question, some of the most virtuous Patriots may possibly entertain very different sentiments; some may wish success to the Bill, because they may think it will increase the Influence of the Crown, which may appear to them to have been lately too much diminished; others may oppose the Bill, for that very reason, as believing, that it will increase that Influence, which they may think has not been too much, or not sufficiently diminished. Some again may approve the Bill, because it may appear to them to diminish the Influence of the Crown, and because it may throw
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a considerable degree of power, independent of the Crown, into the hands of a set of Gentlemen, who, though at present Ministers, they may think well disposed to the Country, and safe to be trusted. Others, on the contrary, may dislike the Bill, because they may think that we ought to see fully the consequences of the late diminutions of the Influence of the Crown, before we proceed to diminish it farther; and because they may not think the present Ministers can be safely trusted with so great an Independent Power even for four years, much less for ever: And many people may think the arguments incon-

sistent, which contend that the Bill will both increase and diminish the Influence of the Crown; and that therefore, neither of the assertions can be relied on; but that the only point to be attended to is, whether the Bill promises a better Administration of our Affairs in India than formerly; and that as the Bill is only to endure for four years, we may trust that Parliament will not renew it, if any dangerous consequences are found to have arisen during that short period.

But in order to judge fairly of this Bill, it is fit to state clearly what

what appears to be the intention of those who bring it in; and then to consider the Effects which that will produce upon the Constitution of this Government.

The intention of the Bill is, to vest the whole Powers of the East India Company in Seven Directors, whose names were moved by the present Secretary of State, and adopted by the House of Commons. They are to hold their offices for four years, removable, like the Twelve Judges, by an Address of either House of Parliament, and not by any other power: And for

for managing the Commercial Affairs of the Company, *Nine* Gentlemen, moved for and adopted in the same manner, are to assist them, subject to their controul, and removable by them.

The effect of this is, to vest in these Seven Directors the whole Influence of the Offices of every kind in India, and at home, belonging to the Company; and the whole Influence arising from the transactions of their Trade here, in the purchase of goods for exportation, furnishing shipping, stores, and recruits; the Influence arising from the method of selling their goods, by bringing forward or keeping back
goods.

goods at the sales, or giving indulgencies as to payments, so as to accommodate those who are meant to be favoured; the Influence arising from the favour they may shew to those who are now in England, and have left debts or effects in India, as to the mode of bringing home and recovering their fortunes; the Influence of contracts of all kinds in India; of promotions, from step to step; of favour in the Inland and Export Trade; of intimidation with respect to every person now there, who may come home with a fortune; both with regard to recovering his debts, and the means of remittance, and with regard to enquiries

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ries into his conduct; the Influence upon foreign Companies, or foreign States, who have establishments in that Country,—who, in return, may have the means of acting upon Individuals in this Country; the Influence upon the native Princes of India, some of whom have already found the way of procuring the Elections of Members of Parliament; and many other means of Influence, which it is impossible to foresee, or to trace.

The amount of the whole cannot be computed. It has been called

equal to two or three millions a year, for the sum paid in cash to the Civil and Military Officers, is alone said to amount to more than one million a year; but there can be no doubt that its magnitude is very great and extensive indeed, and that it may produce very remarkable consequences.

This power is not, indeed, taken from the Crown; but it is placed in new hands, who are independent during four years, equally of the Crown and of the People. Before this Bill, it was placed in twenty-four Directors, chosen by the Proprietors at large. The Election was at first annual; but, by an Act passed several years ago, six

Directors were to go out by rotation every year, and six new Directors to be chosen : So that each Director was elected for four years ; after which he was to go out, and could not be re-elected for a certain interval.

By this means, the Patronage of the Company was, in the first place, divided amongst twenty-four, instead of seven ; and these twenty-four consisted of very different descriptions of men, with different, and often opposite, connections, not named by one man, or one party, but chosen by the Proprietors of India Stock ; to whom alone they felt themselves indebted for their situations.—

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It was, secondly, employed not to effect an Influence in Government, to which none of that description of men aspired, but was applied to shew gratitude to those who had assisted in their Election, or from whom they might expect a similar support hereafter, and amongst their private friends and connections. Government, no doubt, must have had a share of the favours bestowed by the Directors; but it was not of a very important nature, nor very extensive. It was not a share independent of the Crown, but passed to the Minister of the Day. The Directors, having no joint object of obtaining the power of governing the

State, could never unite in directing the Patronage of the Company to acquire that power; and their favours were diffused very generally over the kingdom, with little or no regard to the distinctions of State Parties.

The whole of this Patronage will be diverted into a different channel; and being put into the hands of persons named by one of the State Parties, it may be supposed that it will in future be chiefly employed as a State Engine; and that it must produce very important and serious Effects upon the future Government of this Country.

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The Secretary of State, in the course of the progress of the Bill in the House of Commons, took occasion to declare, that he had never said, that at the end of the four years the Nomination of the seven Directors would be given to the Crown; but added, that he feared it might. The object of which declaration might possibly be, to quiet, in some degree, the fears of those who dreaded an increase of Influence in the Crown; but the latter part of the declaration, was at the same time well adapted to keep up the hopes of those who favoured the Bill, from an honest or

an interested wish to increase, by this means, the Influence of the Crown.

But men, accustomed to affairs, are apt to look more to the characters and principles of those who speak, than to what they say in the moment: They are apt to look to the nature of the human mind, in order to judge how men will act on great and important occasions. It is not any part of the principles of the Party to whom the Secretary of State has attached himself, to increase the Influence of the Crown; but they, like men of talents, in all ages, cannot be supposed averse to an independent

pendent power in themselves, which they may think it impossible they should ever abuse. To that Party, this Country owed, in a great measure, the Revolution; and the gratitude of the Nation can never overpay them, unless by surrendering both King and People into their hands: But the same Party, when in Power, undoubtedly extended the Influence of the Crown by Corruption, beyond the example of any former period; and they extended that Influence to such a degree, that the Crown found itself strong enough to dispense with their services. They have again been instrumental in reducing that Influence
 very

very considerably, and they have been once more placed in Office. Nobody will believe, that it is now their object, by this Bill, to give, after four years, or at any future period, a new Influence to the Crown, which would not only far surpass what the Crown has lately lost, but more than double what it ever at any time enjoyed; for if they did give it, the weight of that Party in the scale of Government, would no longer be felt.

No person can therefore seriously doubt, that it is the intention of the present Ministers to renew this Bill in such a manner, as to preserve the
full

full power of Indian Patronage in their own hands; and I have no doubt that the utmost pains will be taken, during these four years, to reconcile the Nation to the measure: I am persuaded most fully, that great exertions will at first be made, to reform all glaring abuses in India; but when once the power here is fully fixt, and applied to Political Influence, we may be sure, that no complaints will come home from India to this country against Favourites; for who will dare to make a complaint? and every circumstance in the conduct of this Bill convinces me, that the present plan decidedly is, to vest the whole Power and Patronage of India in the Members of

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the present Administration, not only during four years, but as long as India shall belong to this kingdom.

If it is said, that Parliament, at the end of four years, may interpose ; it is to be considered, that an Administration possessed of the Power of India, is not removeable in time of Peace, either by the Crown or by the voice of the People ; and as a General Election must come on in four years, and may come on much sooner, they must know very little of the state of Elections in this Island, who think that, with the whole power of Government, and the whole power of India, so powerful a Party in this kingdom, will

will not be able to take their measures so, as to have nothing to fear from a future Parliament.

The only question therefore to be considered is, What will be the Effects of this change in the Constitution ? And it is upon this question, when more fully explained, that I think honourable men cannot possibly differ, whatever predilection they may naturally have for particular men, or particular descriptions of men, or particular parties.

It is possible, that all persons may not have particularly turned their at-

tention to what it is that constitutes the very essence of this Constitution; We all know that it is the very best Constitution upon the face of the globe, because we all feel its benign influence; we all know that its outward form, consists of King, Lords, and Commons: But many are not apprised of the particular cause, that our Government has not been hitherto subject to those fatal disasters, which have attended all former systems, where the People have enjoyed a great share in the Government of their Country. I will shortly state my idea of it, but I do not claim the merit of the discovery; I take it from a most ingenious Author,

to whom the Republic of Letters, and Mankind in general, are greatly indebted.

In Republican Governments, those who were intrusted by the People, were thereby constantly placed in a situation which gave them a personal interest, separate and distinct from the People at large, which necessarily excited views and considerations by no means in unison with the security and freedom of the general mass. The consequence always was, that the People were betrayed by every new Favourite, and the power and consequence of a few persons was successively

fively established, which in time became so grievous, that the People were prepared for accepting of the despotism of one person, as preferable to the arbitrary Government of a few of their fellow citizens. Whereas in our Government, the persons intrusted by the People to exercise their powers, as Representatives, have no permanent separate interest, nor any executive authority whatsoever; their only power is to propose and consent to Laws, and to controul the exercise of the Executive, which is placed in the Prince: Their interest and that of the People is the same; they cannot betray the People with-

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out at the same time betraying themselves: And, as no individual can obtain the exercise of Executive Powers, except at the will of the Prince, by whom he may be deprived of it at pleasure, it is the interest of every one, to unite in preventing the power of the Prince from rising to an improper height; because he may himself be the first to feel the effects of it. Not that particular men may not sometimes be weak enough to fancy themselves so perfectly secure in the favour of the Prince, as to wish to increase the power of the Sovereign beyond due limits; but the general feelings of all being very strongly directed to withstand the extension of
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the Sovereign Power, the Representatives of the People have in general been faithful to their trust, with respect to that essential point, of resisting the encroachments of Power; not from any superior virtue in the inhabitants of this island, but from the form of the Constitution, which gave the Representatives of the People no separate and distinct interest from the People at large.

This happy circumstance, peculiar to our form of Government, arises from our having, as a part of it, a King, in whom is vested the whole Executive Power, but who has not the power
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of making Laws, nor the power of controuling Judges and Juries, nor the power of levying Money. He has however, sufficient power for every good and useful purpose; and the existence of such a branch in our Government, has this important effect, that as no Favourite of the People can, with us, aspire at the Sceptre, nor can ever hold more than a precarious power at the will of the Crown, all who are actuated by ambition, immediately perceive the necessity of maintaining equal laws and of supporting the general freedom, in which their own security is necessarily involved. They and the whole People are

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therefore united to guard against the Executive Power, which possesses alone a permanent pre-eminence, and which, by being equally formidable to all, produces a general motive of interest to resist it.

But if the balance were turned the other way, and it were in the power of Popular Leaders to master the Crown, that necessary branch of the Constitution would be annihilated as to every useful purpose, and the ambition of every man would take a new direction; the Leaders would from that moment come to have a separate personal interest, distinct from

from that of the People; equal laws would be no longer an object to them, but only laws which might favour their individual power and pre-eminence. The Liberty of the Press, so essential to General Liberty, would soon be at an end; for it does not exist in any State, where the power is in the hands of a few, any more than it exists in absolute Governments: It exists not in Holland, nor in Venice; nor did it exist at Rome. We would experience, in a short time, all the mischiefs of an Aristocratical form of Government, and would probably at last be driven, like the people of Sweden,

to seek a miserable relief by throwing ourselves into the arms of an absolute Prince.

Most of the Governments in Europe were formerly limited Monarchies; but many of them have been destroyed by measures of this very sort, by putting into other hands part of the Executive Power of the State, with a view to controul more completely the power of the Prince; and the People have at last been willing to render the King absolute, in order to be relieved of what they thought a more grievous yoke.

I would

I would earnestly recommend to all who have doubts upon this subject, that they would peruse the four following short chapters of Mr. De Lolme's excellent Treatise on the Constitution of England, viz. Book 2d, Cap. 9th, 10th, 17th, and 19th, of the English Edition, 1781.

In the 9th chapter the Author shews, that in Republican Governments the People are necessarily betrayed by those in whom they trust; but in the 10th chapter he explains, by what happy mechanism in our State we are relieved and secured from that fatal disadvantage; and that

that with us “ the People can give
 “ their confidence, without giving
 “ power over themselves ; they can
 “ appoint Trustees, and yet not give
 “ themselves masters.” In the 17th
 chapter he points out, by what circum-
 stances in our form of Government,
 the Crown has been enabled, with-
 out a dependent mercenary army, to
 maintain its necessary authority, al-
 though that authority is the object of
 jealousy to every part of the People :
 And in the 19th chapter he sets in a
 strong and clear light, the very great
 and fatal danger of transferring any
 part of the power which ought to be
 vested in the Crown, to any other
 order

order of men in the State; for this is a very different question from that of abolishing altogether, any power in the Crown, which may be thought too great or too dangerous. I cannot help transcribing a short paragraph from this chapter: “ If through
 “ the unforeseen operation of some
 “ new regulation, made to restrain
 “ the Royal Prerogative, or through
 “ some sudden public revolution, any
 “ particular bodies, or classes of in-
 “ dividuals, were ever to acquire a
 “ personal independent share in the
 “ exercise of the governing authority,
 “ we should behold the virtue and
 “ patriotism of the Legislators, and
 “ great

“ great men, immediately cease with
 “ its cause, and Aristocracy, as it
 “ were watchful of the opportunity,
 “ burst out at once, and spread itself
 “ over the kingdom.”

These chapters were not wrote
 with a view to the present Question;
 but they are applicable to it in so
 direct a manner, that they will al-
 most appear to have been wrote for
 the express purpose. That Author's
 doctrines are the result of a cool, dis-
 passionate investigation of the prin-
 ciples of our Government, and there-
 fore are free from all suspicion of
 Party views. They will lead to
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very deep and serious reflections in the breast of every man who values the Liberty he has hitherto enjoyed.

If the arguments which, from the assistance of this excellent Author, I have ventured to use, are of any weight, they preclude all enquiry into the characters of those who have brought forward this measure, or of those who are named as Directors in the Bill. Let their characters be what they may, it does not alter the necessary effects of such a change in the Constitution. These consequences must and will necessarily follow, in whatever hands so dangerous a power is placed ;

placed ; and it is a miserable system of Government, which depends for its good effects upon the personal worth or integrity of those who are intrusted with great power : Sure I am, that those who rely on such security, will be always most miserably disappointed at last.

After what I have said, it is unnecessary to add another objection to the Bill, namely, that we shall involve the personal interest, or rather the personal power, of a formidable Aristocracy in this kingdom, in the preservation of our Indian Territories, at all hazards. This may be attended

tended with the most serious consequences, and may expose this Country, not only to certain bankruptcy, but to the being left, at a critical moment, almost defenceless, and open to invasion.

But it has been objected, that no other less exceptionable Plan for India has been proposed, and that something must be done.—I am no Advocate for the Bill offered to the House of last year; but certainly the giving absolute power to a Governor-General in India, removeable by the Crown, did not endanger this Constitution, like the present Bill; nor could the

Patronage proposed to be given to him of Offices to be held in India, be by that means equally applied, to operate upon this Constitution. It could not operate at all against the necessary power of the Crown; and it could not, so delegated, and at such a distance, operate very materially in favour of the precarious Minister of the Day.

The Proposers of this Bill have shewn their consciousness, that their New Directors cannot govern India, any more than the Old, without a variety of new regulations; for they have brought in a Bill which contains
many

many such regulations. Why should not the experiment be first tried under these new regulations. The Old Directors, when aided by these regulations, when restrained by the controul of Ministers, and of Parliament, and relieved, as to the appointing and recalling Officers, from the controul of the General Court, may, I trust, be able to govern India, in as perfect a manner as a distant Dominion so peculiarly circumstanced is capable of being governed. We ought to try every experiment before risking the consequences of so material a change as this, in our present Constitution; and many thinking men
begin

begin to pronounce, that the total loss of India to Britain would be a misfortune of inferior magnitude, to the necessary blow which the present Bill would give to the Liberties of this Country.

If this Bill should pass, it will be a call upon every man of every rank, who is not embarked as an accessory to the measure, to unite in a systematic body to bring about its Repeal. The question of General Warrants, the question of the Middlesex Election, and all the Constitutional Topics which have agitated mens' minds in modern times, are as nothing, when
put

put in comparison with it. The fate of the Kingdom, the freedom of Britons, will ultimately depend upon the effect of their united efforts, to restore the breach that will thus be made in the best Constitution which the admiring World has ever beheld.

POSTSCRIPT.

(71)

P O S T S C R I P T.

SINCE the first Edition was printed, it has occurred to me, that I ought to have observed, when I stated the objection, “ that no less objectional Plan for India had been proposed, and that something must be done,” that this is not a sort of answer which Ministers are entitled to make use of in Parliament; because it is their business, as possessed of Official Information, to bring forward Plans; and it is the business of other Members to make objections. If Ministers cannot answer these objections,

tions, nor introduce Clauses to remove them, it is their business to profit by the objections, and bring forward a better Plan. Not that any Member ought to refuse to give every assistance, and every light in his power; but I hope it will never be a reason for accepting a bad Plan, because those who have not situations of Responsibility are not ready to produce a better Plan for the Minister to adopt.

When I suggested the idea of taking away from the General Court of Proprietors, the power of appointing and recalling Officers, I did it merely to remove the argument

ment used by the Secretary of State, for naming in Parliament the *Seven New Directors*; namely, that the present Directors, because controuled by the Proprietors, are disabled from all Authority over their Servants abroad: That controul of the Proprietors can only weaken the Authority of the Directors over their Servants abroad, when it interferes as to the naming, recalling, and punishing Officers; and it is a full answer to say, that Parliament may take away that controul of the Proprietors, and give the Directors full power, as to the naming and recalling; but it does not follow, that the Election of Directors should be also taken from the Proprietors.

My

My present opinion, however, is, that it would be hazardous to leave no controul in the Proprietors, upon those who are appointed by the Directors; and that though it would be right to give the Directors the exclusive power of naming to all Offices (subject, as to the appointment of Members of the Supreme Council, and of all Governors or Presidents, to the Negative of the Crown) yet that the Proprietors, as well as the Directors, should have the power of recalling every person in office abroad, leaving it solely to the Directors to name others; and that both the Proprietors and Directors should have

the power of ordering Prosecutions, and of inflicting Punishments; so that the Resolutions of either of these Bodies, as to recalling, prosecuting, and punishing, should be carried into execution without controul of the other Body. In short, that neither should have the power of screening Offenders; but that the permanent Body alone, viz. the Directors, should have the Executive Power. By this means, the Government of India would in some degree resemble the Government of Britain. The King can name the Officers; but Parliament can address his Majesty to remove, and can, as well as the

the King, order Prosecutions for all
Offences.

There is little danger in trusting
a numerous Assembly with the power
of demanding punishment, because,
except in a moment of sudden heat,
they are always too mild; but there
is great danger in trusting them with
the appointment to Offices of Emo-
lument, or with the power of
screening Delinquency. There is

also great danger, on the other
hand, in leaving the Nominees of
the Directors free of all controul,
except from those who appoint them.

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The Proprietors, I think, may also be safely trusted with a controul, as to all Expenditure of Money; but I should not think it safe to give them the power of making Grants of Money to any individual.



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